

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE TRICOR DIRECT PURCHASER  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

C.A. No. 05-340 (KAJ)

CONSOLIDATED

### **STIPULATION AND ORDER WITH RESPECT TO PHYSICIAN EXPERTS**

WHEREAS an expert physician retained by the Direct Purchaser Plaintiffs for the purpose of rendering expert opinions and testimony in this case has recently encountered a serious health issue; and

WHEREAS the Direct Purchaser Plaintiffs and Defendants have agreed upon a schedule modification to allow the Direct Purchaser Plaintiffs a reasonable opportunity to retain and offer an expert report from another physician, under a schedule which is least disruptive to progression of the case as a whole;

IT IS HEREBY STIPULATED by the Direct Purchaser Plaintiffs and the Defendants, subject to the approval of the Court, that the following modification to the schedule will apply:

1. Any party bearing the burden of proof on any issue and desiring to present a physician expert thereon shall file its initial Federal Rule of Civil Procedure 26(a)(2) disclosures of such physician expert testimony on or before January 16, 2007.
2. Any party, on or before February 28, 2007, may file an opposing expert report to contradict or rebut evidence on the same subject matter identified by another party in such physician expert disclosures.

3. Any party filing an initial expert report per para. 1 shall be entitled to file a reply physician expert report on or before March 31, 2007.

4. Depositions of the experts at issue in this Stipulation shall be taken by April 27, 2007.

5. No other dates on the Scheduling Order (D.I. 43) are changed by this stipulation.

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SO ORDERED this \_\_\_\_ day of \_\_\_\_\_,  
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U.S.D.J

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2006 I electronically filed the foregoing document using CM/ECF, which will send notification of such filing to all registered participants, including:

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